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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,817	04/13/2000	Hidetoshi Endo	P/3241-12	7762

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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,817

Applicant(s)

ENDO ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-13, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the following minor informalities: Delete "with" on line 12. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities:
 - i. On Page 2, Lines 20-23: Replace "even such a television camera seldom arises a problem of hindering viewing every time panning of tilting is made" with "even in such a television camera, the problem of hindering viewing every time panning or tilting is performed seldom arises".
 - ii. On Page 21, Line 21: Replaces "does" with "is".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims ^{1, 2, 4, 9, 10, 11, 13, 18} are rejected under 35 U.S.C. 102(e) as being anticipated by Van Den Herik (US 6,253,032).

[claim 1]

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5. In regard to claim 1, note that Van Den Herik discloses a viewfinder control unit for controlling a viewfinder for showing an image output from a television camera, said viewfinder comprising detecting means for detecting a particular color portion of a television camera operator (Figure 1, REC which receives signals (Column 1, Lines 50-62) from an optical transmitter TRANSM (Column 1, Line 63 – Column 2, Line 8) which inherently would transmit a known wavelength or “color” of light), and driving means for training the viewfinder on a face of the television camera operator in response to a detection output from the detecting means (Figure 1, PAM; Column 1, Lines 50-62).

[claim 2]

6. In regard to claim 2, note that since the transmitter TRANSM of Van Den Herik is an optical transmitter (Column 1, Line 63 – Column 2, Line 8), the receiver REC must inherently be a light sensor which converts optical signals into electrical signals or “a miniature camera”, also note that it is inherent that the receiver REC would detect a particular pattern from the television camera operator or “transmitter connected to the television camera operator” to reduce the chances of false positives for determining where to place the camera viewfinder.

[claim 4]

7. In regard to claim 4, note that the viewfinder of Van Den Herik consists of a liquid crystal display (LCD) (Column 1, Lines 63-66).

[claim 9]

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8. In regard to claim 9, note that the viewfinder of Van Den Herik is always trained on the face of the camera operator independently of panning and/or tilting of the camera (Column 1, Line 63 – Column 2, Line 8).

[claims 10, 11, 13 and 18]

9. In regard to claims 10, 11 and 13, these claims are method claims corresponding to apparatus claims 1, 2 and 4. Therefore, claims 10, 11 and 13 are analyzed and rejected as previously discussed with respect to claims 1, 2 and 4.

10. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 8, 10-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes et al. (US 5,745,166) in view of Guichard et al. (US 5,357,870) in view of Tomitaka (US 5,430,809).

[claim 1]

13. In regard to claim 1, note that Rhodes et al. discloses a television camera, which is capable of pan and tilt operations (Figure 5, Item 70b; Figure 8) with a remote

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viewfinder (Figure 5, Item 24) which shows the output from a television camera.

Therefore, it can be seen that Rhodes et al. lacks a camera with viewfinder in which is trained on the face of a camera operator in response to a detection output from a detecting means, wherein, the detecting means detects a particular color portion of a television camera operator.

14. Guichard et al. discloses an audiovisual device or "viewfinder" capable of displaying the output from a television camera, which is capable of being oriented relative to a position of the face of an operator. This allows the operator to remain within the limited viewing angle of an LCD used as the display device on the audiovisual device or "viewfinder". It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a movable viewfinder such as that taught by Guichard to allow a camera operator to remain in the limited viewing angle of an LCD used as a display device.

15. However, it can be seen that the combination of Rhodes et al. in view of Guichard et al. lacks a detecting means for detecting a particular color portion of a television operator and a driving means to drive the audiovisual or "viewfinder" device relative to the face of a camera operator based on the output of the detecting means. It is noted that Guichard et al. also teaches that "it is possible to use ... a tracking control system with respect to the position of the operator's face" to orient the audiovisual or "viewfinder" device (Column 4, Line 52 – Column 5, Line 2).

16. Tomitaka teaches a human face tracking system, which continuously centers an object in a cameras field of view with respect to detected luminance ranges and

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detected skin colors (Abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the human face tracking system of Tomitaka with the camera and "viewfinder" of Rhodes et al. in view of Guichard et al. to allow the LCD display to be automatically trained on the face of the camera operator by use of a tracking system as claimed.

[claim 2]

17. In regard to claim 2, note that Guichard et al. discloses the use of a camera on the same plane as the LCD display "viewfinder" device (Column 3, Lines 15-31) which would inherently be used for the input to the human face tracking system of Tomitaka which uses a camera to detect a particular color portion of an object (i.e. face color).

[claim 3]

18. In regard to claim 3, note that the detecting means of Tomitaka detects skin colors or "flesh colors" (Abstract) of a subject to be tracked.

[claim 4]

19. In regard to claim 4, note that the display device or "viewfinder" of Guichard et al. uses a LCD (Column 4, Line 52 – Column 5, Line 2).

[claim 8]

20. In regard to claim 8, note that the camera in Guichard et al. is used as an image pickup device of a videophone and the viewfinder is used as the display of the videophone (Column 3, Lines 15-31).

[claims 10-13 and 17]

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21. In regard to claims 10-13 and 17, these claims are method claims corresponding to apparatus claims 1-4 and 8. Therefore, claims 10-13 and 17 are analyzed and rejected as previously discussed with respect to claims 1-4 and 8.

Allowable Subject Matter

22. Claims 5-7 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 5, 6, 14 and 15]

23. In regard to claims 5, 6, 14 and 15, the prior art does not teach or fairly suggest a viewfinder sensor for detecting the location of an accessory worn by a television camera operator, wherein the viewfinder sensor is rotatably attached to the viewfinder.

[claims 7 and 16]

24. In regard to claims 7 and 16, the prior art does not teach or fairly suggest a viewfinder control unit further comprising a storing means for storing information on a preset position of a viewfinder and a preset control means for returning the viewfinder to the preset position in accordance with the information on the preset position in the storing means.

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Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in subject tracking.

i. Potts et al.

US 6,593,956

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TJH
11/18/2003


NGOC-YEN VU
PRIMARY EXAMINER